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Kuczinski & Associates, P.C.
Attorneys for Creditors/Plaintiffs
Michael Geoghean, et.al.
570 Taxter Road
Elmsford, NY 10523
(914) 347-7333

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In Re:

RANDALL'S ISLAND FAMILY GOLF
CENTERS, INC. et. al.,

Debtors.

Hearing Date: 1-09-00

Time: 10:00 a.m.
Chapter 11

Hon. Stuart M. Bernstein

Case Nos. 00 B 41065 (SMB)
through 00 B 411196

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**MOTION FOR RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO RULE 4001 AND 11 U.S.C. SECTION 362 (d)**

TO THE HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE:

NOW COMES Michael Geoghean et. al., the above mentioned Creditors/Plaintiffs,
through their attorneys, Kuczinski and Associates, P.C., for an Order modifying the automatic stay pursuant
to 11 U.S.C. s 362 (d) and Bankruptcy Rule 4001 lifting the stay against the debtors and debtors in
possession in the above captioned matter so that the Creditors/Plaintiffs may proceed with their negligence
action against the debtors and debtors in possession which is currently pending in the Supreme Court of
the State of New York, County of Westchester, Index No. 05687 /99, and In the event any
moneys are awarded to the Creditors/Plaintiffs as a result of their action, the Creditors/Plaintiffs shall be

entitled to collect said moneys and said creditors/plaintiffs agree and consent to be limited in collection of said moneys from any and all existing insurance proceeds covering debtors and debtors in possession with regard to the negligence action, and

For such other and further relief as this Court deems just and proper.

PLEAS TAKE NOTICE that answering affidavits, if any, are required to be served upon the undersigned at least five days prior to the hearing date.

Dated: December 15, 2000
Elmsford, NY

KUCZINSKI & ASSOCIATES, P.C.
Attorneys for Creditors/Plaintiffs
Michael Geoghean, et.al.,
570 Taxter Road, 2nd Floor
Elmsford, N.Y. 10523
(914) 347-7333

By: _____
Gregory Kuczinski (GK 3191)

TO:

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TRUSTEE

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Westbury, NY 11590

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AFFIRMATION

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GREGORY KUCZINSKI, ESQ., an attorney duly admitted to practice law in the State
of New York and before this Court, affirms the following to be true under the penalties of perjury:

1. I am a partner of the firm of Kuczinski & Associates, P.C., the attorneys for the
creditors/plaintiffs, Michael Geoghean, Jane Geoghean, Keelyn Geoghean, Michael Ryan
Geoghean and Sean Geoghean, and as such I am fully familiar with facts and circumstances

of this application.

2. I submit this affirmation in support of the Creditors/Plaintiff's Micheal Geoghean et. al. motion to lift the stay against the debtors and debtors in possession in the above referenced bankruptcy action.

BACKGROUND FACTS

3. On or about July 5, 1999, the creditor/plaintiff Michael Geoghean was injured and sustained very serious and permanent injuries as a result of the negligence of, among others, the above referenced debtors and debtors in possession.
4. On or about April 17, 2000, an action was commenced in the Supreme Court of the State of New York, Westchester County naming, among others, the debtors and debtors in possession as defendants. Index No.05687/99 was assigned. (Annexed hereto as Exhibit "1" is a copy of summons and verified complaint.)
5. Since the filing of the civil action, I left my predecessor firm and formed my own. The creditors/plaintiffs Michael Geoghean et.al., have retained my firm to continue representing them in their action and accordingly, this application is made only on behalf of creditors/plaintiffs Michael Geoghean et.al, as I am not the attorney of record for the other plaintiffs in the negligence action. (Annexed hereto as Exhibit "2" is a copy of the consent to change attorney)
6. Some of the defendants had filed answers in this action, however, the debtors and debtors

in possession have not. On or about May 4, 2000, the debtors and debtors in possession filed a voluntary chapter 11 petition with this Court and accordingly, the civil action pending in the Supreme Court, Westchester County was automatically stayed.

7. I have attempted to have this stay lifted by way of stipulation with the Attorneys for the Debtors and Debtors in Possession, however, as of the date of this motion, those attempts have been unsuccessful.

RELIEF REQUESTED

8. As previously stated, the underlying negligence action involves several defendants most of whom are not part of the bankruptcy action. However since the debtor and debtors in possession are named parties, the entire action has been upheld due to their filing of the bankruptcy petition.
9. Upon information, the debtors and debtors in possession, as well as the other defendants, are covered in part by insurance, the amounts of which are One Million Dollars with an umbrella policy for an additional Five Million Dollars. Accordingly, the Creditors/Plaintiffs herein request that the stay be lifted so that the Plaintiffs may proceed in Supreme Court against the debtors to the extent of said insurance policies.
10. To the extent that a judge or jury determines that the Creditors/Plaintiffs claims against the debtors/debtors in possession exceeds the amount of the insurance policy limits, than the movant will file a claim in this Court and be treated as any other unsecured creditor or judgment creditor as the case may be.

WHEREFORE, it is respectfully requested that an order be entered:

- (1) Pursuant to 11 U.S.C. s 362 (d) and Bankruptcy Rule 4001 lifting the stay against the debtors

and debtors in possession in the above captioned matter so that the Creditors/Plaintiffs may proceed with their negligence action against the debtors and debtors in possession which is currently pending in the Supreme Court of the State of New York, County of Westchester, Index No. 05687/99, and

(2) In the event any moneys are awarded to the Creditors/Plaintiffs as a result of their action, the Creditors/Plaintiffs shall be entitled to collect said moneys, and said creditors/plaintiffs agrees and consents to be limited in collection said moneys from any and all existing insurance proceeds covering debtors and debtors in possession with regard to the negligence action, and

(3) For such other and further relief as this Court deems just and proper.

Dated: Elmsford, NY
December 15, 2000

Gregory Kuczinski (GK 3191)

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Presentment Date: January 9, 2000

**ORDER GRANTING RELIEF FROM
THE AUTOMATIC STAY**

Upon the Notice of presentment of Proposed Order Granting Relief from the automatic stay and
the Motion of Michael Geoghean, et.al. dated December 15, 2000, with exhibits attached thereto and

Proof of Service upon the Trustee, United States Trustee, Debtors/Debtors in Possession, Debtor's Attorney, the Creditor's and the Creditor's attorney; and there being no filed opposition to said motion, it is hereby:

ORDERED that the motion of Michael Geoghean et. al is granted as more fully set forth below, and

(1) Pursuant to 11 U.S.C. s 362 (d) and Bankruptcy Rule 4001 the automatic stay shall be deemed to have been modified so that the Creditors/Plaintiffs Michael Geoghean, et. al. may proceed with their negligence action against the debtors and debtors in possession which is currently pending in the Supreme Court of the State of New York, County of Westchester, Index No. 05687/99, and

(2) In the event any moneys are awarded to the Creditors/Plaintiffs as a result of their action, the Creditors/Plaintiffs shall be entitled to collect said moneys and said creditors/plaintiffs agrees and consents to be limited in collection of said moneys from any and all existing insurance proceeds covering debtors and debtors in possession with regard to the negligence action.

Dated: New York, NY
January , 2000

Honorable Stuart M. Bernstein
United States Bankruptcy Judge

Enter: